



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/537,736	01/29/96	KAUFFMAN	P-SK 4376

EXAMINER

A. CHAKRABARTI

ART UNIT

PAPER NUMBER

1655

28

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

1) DAVID GAY (3) _____
2) ARUN CHAKRABARTI (4) _____

Date of Interview 5/24/01

Type: Telephonic Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: Yes No If yes, brief description: _____

Agreement was reached. was not reached.

Claims discussed: ALL

Identification of prior art discussed: NCNE

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant was informed that after final amendment has been received and finality of last office action will be withdrawn.

A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary. A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

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Rule of Patent Examining Procedure

Journal of Patent Examining Procedure, Section 7.13.04 Substance of Interview must be made of record.

A complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

§1.133 Interviews

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for response to Office action as specified in §§ 1.111, 1.125, (35 U.S.C. 132).

§ 12. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure of the Examiner to conduct interviews.

10 record the results. The responses will be recorded on the data sheet. The data sheet will be used to record the results of the experiment.

Examiners must complete the *Interview Record* (see *Interview Record* Form in each interview book after January 1, 1973 where a matter of substance has been discussed during the interview) in the manner set forth in the *Office of Hearings and Appeals Manual* using a ball point pen. Discussions regarding any procedural matter, the *Office of Hearings and Appeals Manual*, or any recordation is otherwise provided for in Section 612.01 of the *Manual of Patent Examining Procedure*, or pointing out typographical errors or unreadable script in *Office actions* or the like, are excluded from the *interview recordation* procedures below.

to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication, if additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the telephonic interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claim(s) discussed
- An identification of the agreement(s) reached
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable) (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present

The Form also contains a statement concerning the applicant's opportunity to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that no document will be retained. When the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted;
- 2) an identification of the claims discussed;
- 3) an identification of specific prior art discussed;
- 4) an identification of the principal aspects of amendments of the substantive patent discussed, unless these are already described on the Interview Summary Form completed by the examiner;
- 5) consideration of the following factors: (a) the nature of the arguments made by the applicant; (b) the nature of arguments held by the examiner; (c) a separate, AIA-style summary of arguments if the argument is not required. The domestic view of the arguments is sufficient if no general issue or thrust of the argument applies with regard to the examiner can be understood in the context of the application file. Of course, the applicant may desire to summarize and/or reiterate the points which he feels were or might be persuasive to the examiner;
- 6) a general indication of any other pertinent matters discussed; and
- 7) if appropriate, the telephone number or name of an interviewee already described in the Interview Summary Form completed by the examiner.

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